

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---------------------------|---|---------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:09CR00509 JCH |
| |) | |
| HOWARD WITTNER, |) | |
| |) | |
| Defendant, |) | |
| |) | |
| and |) | |
| |) | |
| DREYFUS FAMILY OF FUNDS |) | |
| C/O BNY MELLON INVESTMENT |) | |
| SERVICING (US) INC. |) | |
| 103 BELLEVUE PARKWAY |) | |
| WILIMINGTON, DE 19809 |) | |
| |) | |
| Garnishee. |) | |
| _____ |) | |

UNITED STATES' APPLICATION FOR FINAL ORDER OF GARNISHMENT

COMES NOW Plaintiff, the United States of America ("Government"), by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Joshua M. Jones, Assistant United States Attorney, pursuant to 18 U.S.C. § 3613 and 28 U.S.C. § 3205, makes application to the Court for issuance of a Final Order of Garnishment in the above-styled case. In support, the Government states as follows:

1. This Court entered judgment against Defendant Howard Wittner on November 19, 2013 (Doc. #676) which ordered Defendant to pay restitution in the amount of \$10,500,000.00. As of the date of this pleading, the outstanding balance is \$9,797,894.42.

2. To enforce this Court's judgment, the United States sought and obtained a Writ of Garnishment on Dreyfus Family of Funds, c/o BNY Mellon Investment Servicing (US), Inc. ("Garnishee"). *See* Docket #843.

3. Pursuant to the Writ, Garnishee mailed an Answer to the Court indicating that it had in its possession, custody or control personal property belonging to and due Defendant. Specifically, Garnishee indicated that it had control of an individual retirement account ("IRA") with a value of \$33,526.20 as of September 30, 2015. *See* Docket # 848.

4. On October 7, 2015, counsel for the Defendant notified counsel for the Government that Defendant has no objection to the issuance of a final order of garnishment as to the above IRA account.

5. Accordingly, a proposed Final Order of Garnishment is filed contemporaneously with this Application for the Court's convenience.

WHEREFORE, all conditions necessary for a Final Order of Garnishment for substantial nonexempt property belonging to or due Defendant Howard Wittner having been met, the Government makes application for the entry of the Final Order of Garnishment.

Dated: October 8, 2015

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Joshua M. Jones
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Certificate of Service

The undersigned hereby certifies that on October 8, 2015, a copy of the foregoing was filed with the Court and thus served by operation of the Court's EM/ECF system upon all parties of record.

/s/ Joshua M. Jones
Assistant United States Attorney